

By Senator Ring

29-01054-14

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1 A bill to be entitled
2 An act relating to public officers and employees;
3 amending s. 112.313, F.S.; removing an exception from
4 prohibited employment or a prohibited contractual
5 relationship for an officer or employee of certain
6 special tax districts or an agency organized pursuant
7 to ch. 298, F.S.; making technical changes; providing
8 an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (7) of section 112.313, Florida
13 Statutes, is amended to read:

14 112.313 Standards of conduct for public officers, employees
15 of agencies, and local government attorneys.—

16 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

17 (a) A ~~No~~ public officer or employee of an agency may not
18 ~~shall~~ have or hold any employment or contractual relationship
19 with any business entity or any agency ~~which is~~ subject to the
20 regulation of, or ~~is~~ doing business with, an agency of which he
21 or she is an officer or employee, excluding those organizations
22 and their officers who, when acting in their official capacity,
23 enter into or negotiate a collective bargaining contract with
24 the state or any municipality, county, or other political
25 subdivision of the state; nor may ~~shall~~ an officer or employee
26 of an agency have or hold any employment or contractual
27 relationship that will create a continuing or frequently
28 recurring conflict between his or her private interests and the
29 performance of his or her public duties or that would impede the

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30 full and faithful discharge of his or her public duties.

31 ~~1. When the agency referred to is that certain kind of~~
32 ~~special tax district created by general or special law and is~~
33 ~~limited specifically to constructing, maintaining, managing, and~~
34 ~~financing improvements in the land area over which the agency~~
35 ~~has jurisdiction, or when the agency has been organized pursuant~~
36 ~~to chapter 298, then employment with, or entering into a~~
37 ~~contractual relationship with, such business entity by a public~~
38 ~~officer or employee of such agency shall not be prohibited by~~
39 ~~this subsection or be deemed a conflict per se. However, conduct~~
40 ~~by such officer or employee that is prohibited by, or otherwise~~
41 ~~frustrates the intent of, this section shall be deemed a~~
42 ~~conflict of interest in violation of the standards of conduct~~
43 ~~set forth by this section.~~

44 2. However, if ~~When the agency referred to is a legislative~~
45 ~~body and the regulatory power over the business entity resides~~
46 ~~in another agency, or when the regulatory power that ~~which~~ the~~
47 ~~legislative body exercises over the business entity or agency is~~
48 ~~strictly through the enactment of laws or ordinances, then~~
49 ~~employment or a contractual relationship with such business~~
50 ~~entity by a public officer or employee of a legislative body is~~
51 ~~shall not be prohibited by this subsection or be deemed a~~
52 ~~conflict.~~

53 (b) This subsection does ~~shall~~ not prohibit a public
54 officer or employee from practicing in a particular profession
55 or occupation if ~~when~~ such practice ~~by persons holding such~~
56 ~~public office or employment is required or authorized permitted~~
57 ~~by law or ordinance.~~

58 Section 2. This act shall take effect July 1, 2014.